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NEW YORK (STATE) UNIVERSITY

COMPULSORY EDUCATION LAW.



Class LC 132

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The University of the State of New York
The State Department of Education
Attendance Division

COMPULSORY EDUCATION LAW

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ARTICLE 23

Compulsory Education

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§ 620 Instruction required. The instruction required under this article shall be:

1 At a public elementary school in which at least the nine common school branches of reading, spelling, writing, arithmetic, English language, geography, United States history, civics and hygiene are taught in English.

2 At a public school of higher grade in which the English language and its use and civics are taught in English as part of a regular course of study or of specialized training; or,

¹ So in original.

3 Elsewhere than a public school upon instruction in the same subjects taught in English, from texts written in English, by a competent teacher. [*Amended by L. 1921, ch. 386, in effect September 1, 1921.*]

§ 621 Required attendance upon instruction.

1 Every child within the compulsory school ages as herein prescribed, in proper physical and mental condition to attend school, who resides in a city or school district having a population of four thousand five hundred or more and employing a superintendent of schools, shall regularly attend upon instruction for the entire time during which the schools of such city or district are in session as follows:

a Each child between seven and fourteen years of age.

b Each child between fourteen and sixteen years of age not regularly and lawfully employed. [*Subdivision 1 amended by L. 1917, ch. 563, and L. 1921, ch. 386, in effect September 1, 1921.*]

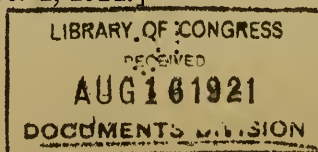
2 Every such child, residing elsewhere than in a city or school district having a population of four thousand five hundred or more and employing a superintendent of schools, shall attend upon instruction during the entire time that the school in the district shall be in session, as follows:

a Each child between eight and fourteen years of age.

b Each child between fourteen and sixteen years of age not regularly and lawfully engaged in any useful employment or service.

c The period of which any such school shall be in session shall not be less than one hundred and eighty days of actual school. [*Subdivision 2 amended by L. 1913, ch. 511, and L. 1921, ch. 386, in effect September 1, 1921.*]

3 A child within the prescribed ages as provided by this section shall be deemed in proper physical and mental condition to attend upon instruction unless a certificate shall have been issued by the school authorities that the child is not in proper physical and mental condition to so attend. No physical condition which is capable of correction shall avail as a defense under the provisions of this article unless it shall be made to appear that all reasonable measures for the correction of the condition and the suitable instruction of the child have been taken. [*Subdivision 3 as amended by L. 1911, ch. 710 repealed; and subdivision 4 as added by L. 1919, ch. 232 renumbered subdivision 3, by L. 1921, ch. 386, in effect September 1, 1921.*]



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§ 622 When a boy is required to attend evening school. [*Section repealed by L. 1919, ch. 531, in effect August 1, 1919.*]

§ 623 Instruction elsewhere than at a public school. If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours each day thereof as are required of children of like age at public schools; and no greater total amount of holidays or vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public school to children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such excuses only as would be allowed in like cases by the general rules and practice of such public school.

If a child required to attend upon instruction as provided in this article does not attend at a public, private or parochial school maintained in the city or district in which the parent or guardian of said child resides, such parent or guardian shall upon request furnish satisfactory proof to the local school authorities of said city or district that said child or ward is attending upon lawful instruction elsewhere. [*Amended by L. 1917, ch. 563, in effect May 18, 1917.*]

§ 624 Duties of persons in parental relation to children. 1 Every person in parental relation to a child within the compulsory school ages as prescribed by section 621 of this chapter who is in proper physical and mental condition to attend school, shall cause such child to attend upon instruction, as therein required. [*Subdivision 1 amended by L. 1921, ch. 386, in effect September 1, 1921.*]

2 (a) At the time a child of school age begins to attend upon instruction at a public school or elsewhere, the person in parental relation to such child shall submit to the school authorities or to the person having control or charge of the instruction of such child, as evidence of age, a duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births; or a passport; or a duly attested transcript of a certificate of baptism showing the date of birth of such child.

(b) In case no acceptable documentary evidence of age as above required can be produced by the person in parental relation to the child, he shall then make an affidavit showing that such required documentary evidence can not be produced. Such affidavit shall contain the date and place of birth, and the present residence of such child, which affidavit must be taken before an officer of the board of education duly designated by such board for the purpose, and who is hereby authorized and required to administer such oath, and such other oaths as may be necessary by the provisions of this act, and who shall not demand or receive a fee therefor.

(c) Such affidavit shall be filed with the school authorities, and a duly attested transcript thereof shall be furnished upon request to the person having control or charge of the instruction of such child. [*Subdivision 2 amended by L. 1921, ch. 386, in effect September 1, 1921.*]

3 Upon request of the school authorities, the board or department of health shall furnish a duly attested transcript of the birth certificate filed according to law of a child seeking admission to school. Such transcript shall be written in ink or typewritten and shall be kept on file by the school authorities until the child leaves school to take up employment or becomes eighteen years of age. [*Subdivision 3 added by L. 1921, ch. 386, in effect September 1, 1921.*]

§ 625 Penalty for failure to perform parental duty. A violation of section 624 shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars, or five days' imprisonment, and for each subsequent offense by a fine not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special sessions and police magistrates shall, subject to removal as provided in sections 57 and 58 of the Code of Criminal Procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions. A duly attested transcript of the record of attendance and absence of a child which has been kept by a teacher, as provided in section 629 of this chapter, shall be accepted as presumptive evidence of the attendance of such child in any proceeding brought under the provisions of this article. [*Amended by L. 1919, ch. 232, in effect April 15, 1919.*]

§ 626 Unlawful employment of children and minors.

A It shall be unlawful when attendance upon instruction is required to employ in any business or service whatever,

1 A child under fourteen years of age,

2 A minor included under the following subdivisions who does not at the time of such employment present an employment certificate issued according to law, namely:

a A minor between fourteen and sixteen years of age,

b After September first, nineteen hundred and twenty-five, in a city having a population of five thousand or more a minor between sixteen and seventeen years of age. [*Subdivision A amended by L. 1921, ch. 386, in effect September 1, 1921.*]

B It shall be unlawful when attendance upon instruction is not required:

1 To employ in any business or service, except as hereinafter provided:

a A child under fourteen years of age.

b A minor between fourteen and sixteen years of age who does not at the time of such employment present a regular employment certificate or a vacation employment certificate issued according to law. A vacation employment certificate shall be valid, however, only for employment on days when attendance upon instruction is not required and only in or in connection with employment in a mercantile establishment or business office or in outdoor work.

2 To employ in the sale or distribution of newspapers, periodicals or magazines or to permit to be employed or engaged in such sale or distribution (a) a boy under twelve years of age; (b) a girl under sixteen years of age; (c) a boy between twelve and sixteen years of age who does not possess a newsboy permit badge issued according to law and not revoked. No such boy shall engage in or be employed in such sale or distribution before six o'clock in the morning nor after eight o'clock in the evening. [*Subdivision B amended by L. 1921, ch. 386, in effect September 1, 1921.*]

C When attendance upon instruction is not required the provisions of this section shall not apply to the employment of children over twelve years of age in farm service or outdoor work not connected with or for a factory or other establishment specified in section 130 of the labor law and not prohibited or regulated by any provisions of the penal law. [*Subdivision C amended by L. 1921, ch. 386, in effect September 1, 1921.*]

D Every person in parental relation to a child or minor subject to the provisions of this section shall cause such child or minor to comply therewith. [*Subdivision D amended by L. 1921, ch. 386, in effect September 1, 1921.*]

§ 627 Employer must file employment certificate and return certificate to employment certifying officer. The employer of any minor between fourteen and seventeen years of age in a city or district shall keep and shall file in the place where such minor is employed, the employment certificate or vacation employment certificate of the minor if such minor is required to obtain such an employment certificate under the provisions of section six hundred and twenty-six of this chapter. Upon the termination of employment of any such minor the employer shall return by mail within three days the employment certificate or the vacation employment certificate to the employment certifying officer. [*Amended by L. 1913, ch. 748, and L. 1921, ch. 386, in effect September 1, 1921.*]

§ 628 Punishment for unlawful employment of children and for children being unlawfully engaged in the sale or distribution of newspapers, periodicals or magazines.

1 Any person, firm or corporation or any officer, manager, superintendent or employee acting therefor who shall employ any child or minor contrary to the provisions of sections 626 and 627 hereof, and any person in parental relation to a child or minor included by the provisions of such section who does not cause him to comply with such provisions shall be guilty of a misdemeanor and the punishment therefor shall be for a first offense of a fine of not more than fifty dollars; or by imprisonment for not less than ten days; for a second and each subsequent offense, a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. A prosecution instituted under this section shall be deemed a bar to any action at prosecution under the provisions of any other statute based on the same state of facts. [*Subdivision 1 amended by L. 1913, ch. 748, and L. 1921, ch. 386, in effect September 1, 1921.*]

2 In case, however, the person in parental relation to such a child or minor establishes to the satisfaction of the court that the child or minor is beyond his control, such child or minor

in the discretion of the school authorities may be proceeded against for violation of this act. [*Subdivision 2 added by L. 1921, ch. 386, in effect September 1, 1921.*]

3 Attendance officers who are hereby vested with the powers of peace officers for the purpose shall enforce the provisions of section 626 of this chapter. [*Subdivision 3 added by L. 1921, ch. 386, in effect September 1, 1921.*]

§ 629 Teachers must keep record of attendance.

An accurate record of the attendance of all children between seven and sixteen years of age shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at school, shall keep a like record of such attendance. Such record shall, at all times, be open to the attendance officers or other person duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, inspectors, or other persons, and a wilful neglect or refusal so to answer any such inquiry shall be a misdemeanor.

§ 630 School record certificate. 1 A school record certificate shall be issued to a minor entitled thereto as follows:
a To a minor between fourteen and fifteen years of age who is a graduate of a public elementary school or parochial school or other school in which the subjects enumerated in section 620 of this chapter are taught as therein required or who holds a preacademic certificate issued by the Regents and who has attended upon lawful instruction for not less than one hundred and thirty days in any of the following periods of twelve months: (1) That between his thirteenth and fourteenth birthdays; (2) That next preceding graduation; (3) That next preceding his application for the certificate.

b To a minor between fifteen and sixteen years of age who has completed the work prescribed for the first six years of the course of study of a public elementary school, or a parochial school, or a school of equal rank in which the subjects enumerated in section 620 of this chapter are taught as therein required and who has attended upon lawful instruction in the twelve months between his thirteenth and fourteenth birthdays or in the twelve

months next preceding his application for said certificate for not less than one hundred and thirty days.

c To a minor between sixteen and seventeen years of age irrespective of his educational attainments and attendance upon instruction.

d Any portion of the one hundred and thirty days' attendance required for the issuance of a school record certificate lacking at the time application for its issuance is made shall, if made up by regular attendance within ninety days thereafter, be regarded as attendance within the prescribed period. [*Subdivision 1 amended by L. 1913, ch. 101; L. 1917, ch. 563; and L. 1921, ch. 386, in effect September 1, 1921.*]

2 The person issuing a school record certificate shall certify the date of birth of the minor, his place of residence, the names of the persons in parental relation to the minor and the other appropriate facts set forth in items *a* and *b* of subdivision one of this section as shown by the school records; but in the case of a minor between sixteen and seventeen years of age, he shall then certify under those items the grade or class reached by the minor; if, however, such a minor is not in attendance upon instruction, or if this and other required information is not readily obtainable then thereupon issuing the school record certificate shall certify the same facts as determined to the best of his ability. [*Subdivision 2 amended by L. 1921, ch. 386, in effect September 1, 1921.*]

3 School record certificate shall be issued only by the following persons:

a In a city of the first class by the principal or chief executive officer of a school.

b In a city or school district having a population of four thousand five hundred or more and employing a superintendent of schools, by the superintendent of schools.

c In all other school districts by the principal teacher of the school.

d During the months of July and August, and at other times in extraordinary and emergency circumstances by one or more public school officials deputized in writing by the superintendent of schools. The school record certificate shall be granted on demand to any minor lawfully entitled thereto. [*Subdivision 3 formerly subdivision 2 in part, amended and renumbered by L. 1921, ch. 386, in effect September 1, 1921.*]

§ 631 Issuance of employment certificates, vacation employment certificates, newsboy permit badges.

1 Employment certificates, vacation employment certificates and newsboy permit badges shall be issued only by the following officials: In cities and school districts having a population of four thousand five hundred or more by the superintendent of schools; elsewhere by the district superintendents; provided that the superintendent of schools or district superintendent may authorize and depute in writing one or more public school officials other than attendance officers to act in his stead as employment certificating officers in accordance with the regulations of the commissioner of education. The number of persons so deputized as employment certificating officers shall not exceed the proportion of one for each half million of the population or fraction thereof of a city or district.

2 An employment certificate shall be issued for a minor between fourteen and seventeen years of age who is entitled thereto in accordance with the following procedure:

(a) Such minor shall obtain a school record certificate from the principal or chief executive officer of the school which the minor attends or as otherwise provided:

(b) He shall present to the examining officer of the board or department of health, to be known as the age and health certificating officer, the application of the parent, school record certificate, evidence of age, and if the minor is between fourteen and sixteen years of age he shall also present the statement of the prospective employer and shall then obtain from the age and health certificating officer a certificate of physical fitness.

(c) He shall then present all the foregoing papers to the employment certificating officer who shall issue the employment certificate if such papers are found to be satisfactory.

3 The parent, guardian or custodian of the minor shall make personal application for the issuance of a school record certificate. If between fourteen and sixteen years of age the minor shall obtain a statement signed by the prospective employer, or by his duly authorized representative, stating that he expects to give the minor present employment and setting forth the character of such employment, and the number of hours per day and per week which the minor will be employed.

4 The minor shall then present the papers prescribed in paragraph six of subdivision two of this section to the age and health

certificating officer for examination and approval. When these papers have been approved, a medical officer of the board of health shall then make a thorough physical examination of the minor, and if the medical officer shall find that the child has reached the normal development of a child of his age, is in sound health and physically fit to perform the work he intends to do, he shall then issue to the minor a certificate of physical fitness, stating these facts. If the minor be found to be physically unfit or if the proofs of age submitted by him be unsatisfactory, the age and health certificating officer shall reject the applicant and shall notify the employment certificating officer of this action and of the reason therefor and shall return the papers forthwith to such person.

5 The minor shall then present the papers approved by the age and health certificating officer to the employment certificating officer who shall examine, approve and file the same. The employment certificating officer shall also test the minor, if he is under sixteen years of age, as to his ability to read and write correctly simple sentences in the English language and shall, after making such examination, sign and file in his office a statement that the minor can read and write correctly simple sentences in the English language, together with the sentences written by such minor, constituting the test so given. If the papers enumerated above are approved, and if the minor who is under sixteen years of age shows that he is able to read and write correctly simple sentences in the English language, the employment certificating officer shall then issue to the minor an employment certificate. If these papers are not approved or if the minor who is under sixteen years of age is unable to read and write correctly simple sentences in the English language, the employment certificating officer shall reject the applicant and notify the person issuing the school record certificate, stating the reason therefor, and shall return the school record certificate to the person who issued it.

6 An employment certificate shall be signed in the presence of the officer issuing the certificate by the minor for whom it is issued. It shall also contain the name and address of the prospective employer and shall state the nature of the work which the minor expects to perform and it shall be valid only in the hands of the employer therein named. Any employed minor between fourteen and seventeen years of age required to obtain an employment certificate and who is seeking new employment shall obtain a new

employment certificate and shall be entitled thereto upon the return to the employment certifying officer of the old employment certificate and if the minor is between fourteen and sixteen years of age upon the presentation to such officer of a statement from the prospective employer as hereinbefore provided.

7 The evidence of age shall show that the child is at least the age required for the issuance of the school record certificate and such evidence shall be as follows:

a Birth certificate; passport or baptismal certificate. A certificate transcript of the birth certificate filed according to law; a duly attested transcript of a certificate of baptism or a passport showing the date of birth of the child.

b Other documentary evidence. If the child appears to the age and health certifying officer to be of the required age and none of the papers mentioned in the preceding subdivision can be furnished but other satisfactory documentary evidence of age can be produced, such officer shall present to the board or department of health a statement signed by him showing such facts together with such evidence. The executive officer of the board or department of health may accept such documentary evidence as sufficient as to the age of such child and a record therefor shall be entered on the minutes of the board at its next meeting.

c Physicians' certificates. If the child appears to be of the required age, the age and health certifying officer may receive an application signed by the child's parent, guardian or custodian for physicians' certificates as herein provided. The application shall be on file for not less than sixty days and shall contain: (1) The name, the place and date of birth and the present residence of the child; (2) such further facts as may aid in determining the child's age. If within such period no facts appear to contradict any material statement of such application, the officer shall direct the child to appear for physical examination before two physicians designated by the board of health. If the physicians certify in writing that they have separately examined the child and that the child is at least of the required age, such certificates shall be sufficient evidence of age. If their opinions do not concur the child shall be examined by a third physician, and the concurring opinions shall be accepted as evidence of age.

d The age and health certifying officer shall require evidence of age in the order designated in subdivision one of this section and shall not accept the evidence permitted by paragraph

b or *c* of said subdivision unless he receives and files in addition an affidavit of the child's parent, guardian or custodian, stating that no evidence specified in the preceding paragraph or paragraphs can be produced. Such affidavit shall contain the name, place and date of birth and residence of the child and shall be acknowledged and sworn to before the age and health certifying officer, who shall not demand or receive any fee for administering the oath.

8 Record of physical examination. A medical officer of the board or department of health shall make a thorough physical examination of every child before the issuance of a certificate of physical fitness. He shall record the result and such other facts concerning the child's physical condition and history as the commissioner of education may require on blanks furnished by him and shall sign the record so made.

9 Vacation employment certificate. The requirements and procedure for the issuance of a vacation employment certificate shall be the same as those for the issuance of an employment certificate except that the minor shall not be required to obtain a school record certificate. A vacation employment certificate shall be valid only in the hands of the employer therein named.

10 Newsboy permit badge. *a* A newsboy permit badge shall be issued only on the personal application of the principal of the school the boy attends when the schools are in session and the certificate of such principal that the boy is of normal development and physically fit for such employment and is twelve years of age or upwards as shown by the school records, or if the schools are not in session upon the certification of the employment certifying officer. Such certificate shall be duly filed with the employment certifying officer.

b The newsboy permit badge shall be conspicuously worn wherever the boy to whom it was issued is engaged in the work it authorizes him to do.

c Such permit badge may be revoked for cause by the employment certifying officer.

11 Any person who makes a false statement in or in relation to any employment certificate as to any matters required by this act or in any affidavit, record, transcript or certificate therein provided for, is guilty of an offense, punishable in each case by a fine of not more than one hundred dollars, or by imprisonment for not more than sixty days, or both such fine and imprisonment.

12 The Commissioner of Education is hereby authorized to prescribe the form and contents of all certificates and newsboy permit badges required by this chapter. [*Amended by L. 1913, ch. 748, and L. 1921, ch. 386, in effect September 1, 1921.*]

§ 632 Attendance officers. 1 The school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove at pleasure one or more attendance officers of such city or district, and shall fix their compensation and may prescribe their duties not inconsistent with this article and make rules and regulations for the performance thereof; and the superintendent of schools shall supervise the enforcement of this article within such city or school district.

2 The town board of each town shall appoint, subject to the written approval of the school commissioner of the district, one or more attendance officers, whose jurisdiction shall extend over all school districts in said town, and which are not by this section otherwise provided for, and shall fix their compensation, which shall be a town charge; and such attendance officers, appointed by said board, shall be removable at the pleasure of the school commissioner in whose commissioner district such town is situated.

§ 633 Arrest of truants. 1 The attendance officer may arrest without a warrant any child between seven and sixteen years of age who is a truant from instruction upon which he is lawfully required to attend within the city or district of such attendance officer. He shall forthwith deliver the child so arrested to a teacher from whom such child is then a truant, or, in case of habitual and incorrigible truants, shall bring them before a police magistrate for commitment to a truant school as provided in section 635.

2 The attendance officer shall promptly report such arrest and the disposition which he makes of such child, to the school authorities of the said city or district where such child is lawfully required to attend upon instruction.

3 A truant officer in the performance of his duties may enter, during business hours, any factory, mercantile or other establishment within the city or school district in which he is appointed and shall be entitled to examine employment certificates or registry of children employed therein on demand.

§ 634 Interference with attendance officer. Any person interfering with an attendance officer in the lawful discharge of his duties and any person owning or operating a factory, mercantile or other establishment who shall refuse on demand to exhibit to such attendance officer the registry of the children employed or the employment certificate of such children shall be guilty of a misdemeanor.

§ 635 Truant schools. 1 The school authorities of any city or school district may establish schools, or set apart separate rooms in public school buildings, for children between seven and seventeen years of age, who are habitual truants from instruction upon which they are lawfully required to attend, or who are insubordinate or disorderly during their attendance upon such instruction, or irregular in such attendance. Such school or room shall be known as a truant school; but no person convicted of crimes or misdemeanors, other than truancy, shall be committed thereto. [*Subdivision 1 amended by L. 1921, ch. 386, in effect September 1, 1921.*]

2 School authorities may provide for the confinement, maintenance and instruction of any child who is an habitual truant from instruction upon which he is lawfully required to attend, or is insubordinate or disorderly during attendance upon such instruction, or is *irregular in such attendance in such schools; and they or the superintendent of schools in any city or school district, may, after reasonable notice to such child and the persons in parental relation to such child, and an opportunity for them to be heard, and with the consent in writing of the persons in parental relation to such child, order such child to attend such school, or to be confined and maintained therein, under such rules and regulations as such authorities may prescribe, for a period not exceeding two years; but in no case shall a child be so confined after he is seventeen years of age. [*Subdivision 2 amended by L. 1917, ch. 563, and L. 1921, ch. 386, in effect September 1, 1921.*]

3 Such authorities may order such a child to be confined and maintained during such period in any private school, orphans' home or similar institution controlled by persons of the same religious faith as the persons in parental relation to such child, and which is willing and able to receive, confine and maintain such child, upon such terms as to compensation as may be agreed upon

* So in original [word misspelled].

between such authorities and such private school, orphans' home or similar institution.

4 If the person in parental relation to such child shall not consent to either of such orders said person shall be proceeded against in court under section 625 of this chapter by the school authorities or such officer as they may designate. In case the person in parental relation to such child establishes to the satisfaction of the court that such child is beyond his control such child shall be proceeded against as a disorderly person, and upon conviction thereof, if the child was lawfully required to attend a public school, the child shall be sentenced to be confined and maintained in such truant school for a period not exceeding two years; or if such child was lawfully required to attend upon instruction otherwise than at a public school, the child may be sentenced to be confined and maintained for a period not exceeding two years in such private school, orphans' home or other similar institution, if there be one, controlled by persons of the same religious faith as the persons in parental relation to such child, which is willing and able to receive, confine and maintain such child for a reasonable compensation. Such confinement shall be conducted with a view to the improvement and to the restoration as soon as practicable, of such child to the institution elsewhere, upon which he may be lawfully required to attend.

4-a An habitual truant and a child who, being subject to the provisions of this article, has been lawfully suspended or expelled from school, and is not receiving equivalent instruction elsewhere, as provided by section 623 of this chapter, are hereby declared to be ungovernable children. Any such child may be apprehended by a truant officer of the school district or city where the child resides, or by any peace officer, and brought before a police magistrate having jurisdiction. Notice shall thereupon be given to the child's parent, guardian, or other person standing in parental relation to the child, and upon the submission of satisfactory proof that the child is an habitual truant or that, being subject to this article, he has been lawfully suspended or expelled from school and is not receiving instruction elsewhere, the magistrate may commit such child to a truant school maintained by such district or city, or if no such truant school is maintained, to a private school, orphans' home or other similar institution if there be one, controlled by persons of the same religious faith as the persons in parental relation to such child, which is willing and able to receive,

confine and maintain such child for a reasonable compensation. [*Subdivision 4-a added by L. 1917, ch. 563, in effect May 18, 1917.*]

5 The authorities committing any such child, and in cities and districts having a superintendent of schools such superintendent shall have authority, in his discretion, to parole at any time any truant so committed by them.

6 Every child lawfully suspended from attendance upon instruction for more than one week, shall be required to attend such truant school during the period of such suspension.

7 The school authorities of any city or school district, not having a truant school, may contract with any other city or district having a truant school, for the confinement, maintenance and instruction therein of children whom such school authorities might require to attend a truant school, if there were one in their own city or district.

8 Industrial training shall be furnished in every such truant school.

9 The expense attending the commitment and costs of maintenance of any truant residing in any city, or district, employing a superintendent of schools shall be a charge against such city, or district, and in all other cases shall be a county charge.

§ 636 Enforcement of law and withholding the state moneys by Commissioner of Education. 1 The Commissioner of Education shall supervise the enforcement of this law and he may withhold one-half of all public school moneys from any city or district, which, in his judgment, wilfully omits and refuses to enforce the provisions of this article, after due notice, so often and so long as such wilful omission and refusal shall, in his judgment, continue.

2 If the provisions of this article are complied with at any time within one year from the date on which said moneys were withheld, the moneys so withheld shall be paid over by said Commissioner of Education to such district or city, otherwise forfeited to the State.

§ 637 Attendance of illiterate minors. 1 Every minor, between sixteen and twenty-one years of age, who does not possess such ability to speak, read and write the English language, as is required, for the completion of the fifth grade of the public or private schools of the city or school district in which he resides,

shall attend some day or evening school or some school maintained by an employer as hereinafter provided in subdivision 6 of this act, in the city or district in which he resides throughout the entire time such school is in session; provided that no such minor be required to attend, if the Commissioner of Health, or the executive officer of the board or department of health of the city, town, village or district, where such minor resides, or an officer thereof designated by such board, department or commissioner shall deem such minor to be physically or mentally unfit to attend.

2 Any minor subject to the provisions of this section, who wilfully violates any provisions of this section, shall be punished by a fine of not exceeding five dollars.

3 Every person having in his control any minor subject to the provisions of this section shall cause such minor to attend a school as hereby required; and if such person fails for six sessions within a period of one month to cause such minor to so attend school, unless the Commissioner of Health or the executive officer of the board or department of health of the city, town, village or district where such minor resides or an officer thereof designated by such board, department or commissioner shall certify that such minor's physical or mental condition is such as to render his attendance at school harmful or impracticable, such person shall, upon complaint by a truant officer and conviction thereof, be punished by a fine of not more than twenty dollars.

4 Whoever induces or attempts to induce such minor to absent himself unlawfully from school or employs such minor except as is provided by law, or harbors such who, while school is in session, is absent unlawfully therefrom, shall be punished by a fine of not more than fifty dollars.

5 The employer of any minor subject to the provisions of this section shall procure from such minor and display in the place where such minor is employed the weekly record of regular attendance upon a school and it shall be unlawful for any person to employ any minor subject to the provisions of this section until and unless he procures and displays said weekly record as herein provided. It shall be the duty of the teacher or principal of the school upon which he (such minor) attends to provide each week such minor with a true record of attendance.

6 Any employer may meet the requirements of this act by conducting a class or classes for teaching English and civics to foreign-born in shop, store, plant or factory, under the supervision of the

local school authorities, and any minor subject to the provisions of this act may satisfy the requirement by attendance upon such classes. [*Added by L. 1918, ch. 415, in effect May 1, 1918.*]

§ 638 Certificates of principals or teachers. Certificates issued by any principal or teacher of schools as to the attendance or nonattendance of any person who should attend such school shall be presumptive evidence of the facts therein stated. [*Added by L. 1919, ch. 303, in effect May 3, 1919.*]

ARTICLE 22-A¹

(*Inserted by L. 1921, ch. 21, in effect March 3, 1921.*)

Employment of Children in Street Trades

- Section 640 Prohibited employment of children in street trades
- 641 Permit and badge for children engaged in street trades, how issued
- 642 Contents of permit and badge
- 643 Regulations concerning badge and permit
- 644 Limit of hours
- 645 Employment of children in carrying and distributing newspapers
- 646 Enforcement of article
- 647 Violation of this article, how punished
- 648 Punishment of parent, guardian or other person contributing to the delinquency of children

§ 640 Prohibited employment of children in street trades. No male child under twelve, and no girl under sixteen years of age, shall in any city of the first, second or third class sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place. [*Added by L. 1921, ch. 21, in effect March 3, 1921.*]

§ 641 Permit and badge for children engaged in street trades, how issued. No male child under fourteen years of age shall sell or expose or offer for sale said articles unless a permit and badge as hereinafter provided shall have been issued to him by the district superintendent of the board of education of the city and school district where said child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer

¹ So in original.

issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age of twelve years or upwards, and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, that he is of normal development of a child of his age and physically fit for such employment, and that said principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined and placed on file such papers the officer shall issue to the child a permit and badge. Principals or chief executive officers of schools in which children under fourteen years are pupils shall keep complete lists of all children in their schools to whom a permit and badge as herein provided have been granted. [*Added by L. 1921, ch. 21, in effect March 3, 1921.*]

§ 642 Contents of permit and badge. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend, as the case may be, and describe the color of hair and eyes, the height, weight and any distinguishing facial mark of such child, and shall further state that the papers required by the preceding section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. [*Added by L. 1921, ch. 21, in effect March 3, 1921.*]

§ 643 Regulations concerning badge and permit. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city of the first, second or third class as a newsboy, or shall sell or expose or offer for sale

newspapers, magazines or periodicals in any street or public place without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer. [*Added by L. 1921, ch. 21, in effect March 3, 1921.*]

§ 644 Limit of hours. No child to whom a permit and badge are issued as provided for in the preceding section shall sell or expose or offer for sale any newspapers, magazines or periodicals after eight o'clock in the evening, or before six o'clock in the morning. [*Added by L. 1921, ch. 21, in effect March 3, 1921.*]

§ 645 Employment of children in carrying and distributing newspapers. Upon obtaining a permit and badge as provided by this section, a male child over twelve years of age between the close of school and six-thirty o'clock in the afternoon and a male child over fourteen years of age between five-thirty and eight o'clock in the morning may be employed to carry and distribute newspapers on a newspaper route in a city or village, if no other work or employment be required or permitted to be done by any such child during that time. The badge or permit required by this section shall be issued to such child by the district superintendent or the board of education of the city or village and school district where such child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case such child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age prescribed by this section, and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is in attendance at such school, that he is of the normal development of a child of his age and physically fit for such employment, and that such principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall

remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined and placed on file such papers the officer shall issue to the child a permit and badge. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend, as the case may be, and describe the color of hair and eyes, the height and weight and any distinguishing facial mark of such child, and shall further state that the papers required by this section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding with the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city or village in distributing newspapers without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police or attendance officer. [*Added by L. 1921, ch. 21, in effect March 3, 1921.*]

§ 646 Enforcement of article. In cities of the first, second or third class, police officers, and the regular attendance officers appointed by the board of education, who are hereby vested with the powers of peace officers for the purpose, shall enforce the provisions of this article. [*Added by L. 1921, ch. 21, in effect March 3, 1921.*]

§ 647 Violation of this article, how punished. Any child who shall, in any city of the first, second or third class, sell or expose or offer for sale newspapers, magazines or periodicals in violation of the provisions of this article may be deemed and adjudged in need of the care and protection of the state, and if over seven years of age may be adjudged guilty of juvenile delinquency. A child violating the provisions of this act may be arrested and in the city of New York be brought before a children's court and in any other city be brought before a court or magistrate having

jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law. If any such child is committed to an institution, it shall, when practicable, be committed to an institution governed by the same religious faith as the parents of such child. The permit and badge of any child who violates the provisions of this article may be revoked by the officer issuing the same, upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any police officer or attendance officer, and such child shall surrender the permit and badge so revoked upon the demand of any attendance officer or police officer charged with the duty of enforcing the provisions of this article. The refusal of any child to surrender such permit and badge, upon such demand, or the sale or offering for sale of newspapers, magazines or periodicals in any street or public place by any child after notice of the revocation of such permit and badge shall be deemed a violation of this article and shall subject the child to the penalties provided for in this section. [*Added by L. 1921, ch. 21, in effect March 3, 1921.*]

§ 648 Punishment of parent, guardian or other person for contributing to the delinquency of children. The parent, guardian or other person having the custody of a child, who omits to exercise reasonable diligence to prevent such child from violating the provisions of this act, shall be guilty of a misdemeanor and shall be dealt with as provided by section four hundred and ninety-four of the penal law. In any such proceedings against any such parent, guardian or other person having custody of such child, proof of the presence of such child in the public streets engaged in the sale or exposure or offering for sale of newspapers, magazines or periodicals in violation of the provisions of this article, shall be deemed prima facie proof of the lack of reasonable diligence in the control of such child by such parent, guardian or custodian, to prevent such offense by such child. [*Added by L. 1921, ch. 21, in effect March 3, 1921.*]



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